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NOMINATION—FEDERAL AVIATION ADMINISTRATION

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

NOMINATION OF
DONALD DAVENPORT ENGEN, TO BE ADMINISTRATOR,
FEDERAL AVIATION ADMINISTRATION

MARCH 23, 1984

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NOMINATION—FEDERAL AVIATION ADMINISTRATION

FRIDAY, MARCH 23, 1984

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, D.C.

The committee met, pursuant to notice, at 10:02 a.m., in room SR-253, Russell Senate Office Building, Hon. Nancy L. Kassebaum presiding.

Staff members assigned to this hearing: Chuck Doyle, staff counsel; Marguerite Ayers, professional staff member; and Steve Palmer, minority staff counsel.

OPENING STATEMENT BY SENATOR KASSEBAUM

Senator KASSEBAUM. The hearing will come to order. It is a great pleasure for me to call this hearing to order and to welcome Mr. Engen before the committee.

The Administrator of the Federal Aviation Administration is a very important appointment, and I am pleased that the administration has sent forward a name with which we all have a great deal of confidence. I think that your work with the National Transportation Safety Board as a board member bodes well for a good working relationship between the FAA and the NTSB, and that is an important relationship.

I regret that Senator Warner, who had planned to be here to introduce you, cannot be here. If I may, I think I will just read his introduction. It is not long, but it is one that he feels strongly about and he outlines some things that I think are important to be said.

Madam Chairman, it gives me a great deal of pleasure to present Admiral Donald D. Engen to the committee this morning. As we are aware, Admiral Engen has been nominated by President Reagan to serve as the Administrator of the Federal Aviation Administration, a position for which he is truly qualified.

A distinguished aviator, Admiral Engen completed a 36-year Navy career when he retired as Deputy Commander-in-Chief of the U.S. Atlantic Command and U.S. Atlantic Fleet. He brings to this position unique aviation experience. He flew the Navy's first jets, and has flown more than 200 models of aircraft, ranging from gliders and helicopters to four-engine jets.

A former engineering test pilot in both the United States and the United Kingdom, he has 6,000 total flying hours and currently holds a commercial and multiengine land pilot's license, an instrument rating and a commercial glider pilot's license.

In addition to receiving all this aviation experience, Admiral Engen distinguished himself during his career by earning the Navy Cross, the Navy's highest award for valor. He also holds awards of two Distinguished Service Medals, the Defense Meritorious Service Medal, two Legions of Merit, and the Distinguished Flying Cross.

Admiral Engen comes to the FAA from a position on the National Transportation Safety Board, where he headed teams investigating numerous transportation-related accidents and recommending measures to prevent recurrences. This experience, coupled with his extensive aviation knowledge, will serve us well when he becomes the FAA Administrator.

I am sure that the committee will swiftly confirm Admiral Engen so that we may quickly avail ourselves of the services of this fine public servant.

Senator Trible, do you have any comments to make?

OPENING STATEMENT BY SENATOR TRIBLE

Senator TRIBLE. If I may just, Madam Chairman, welcome Admiral Engen. Let me say for the record very briefly that his is an exemplary record of service to this country and I am convinced that in his three decades or more in the U.S. Navy his experience as a pilot and his service on the National Transportation Safety Board would assure that he serves well in a new capacity; namely, Administrator of FAA.

You are most welcome. I would add one final point that distinguishes this gentleman, in my own mind, Madam Chairman, and that is that he lives in Virginia.

Senator KASSEBAUM. Mr. Engen, do you have an opening statement?

STATEMENT OF ADM. DONALD D. ENGEN, USN (RET.)

Admiral ENGEN. Yes, ma'am. Thank you, Senator Trible.

I am deeply honored that the President has nominated me for the position of Administrator of the Federal Aviation Administration, and if confirmed I would serve with honesty, integrity, and with all my dedication in that role.

I think I will stop there and entertain any questions you might have.

Senator KASSEBAUM. Thank you very much. I do have several.

There has been some consternation and questions among the airlines over the FAA's new high density rules. I wonder if you would care to comment at this point what course of action you propose to follow in alleviating the need for such restrictions?

Specifically, I would wonder how the present controller situation is going to continue to handle the traffic without further restrictions becoming necessary. Have you had a chance to analyze that situation at this time?

Admiral ENGEN. Madam Chairman, I would speak, if I may, as a member of the National Transportation Safety Board and my views are those that I have formed as we have monitored the national aerospace system.

I would say first of all that the constraints that are there are driven by two things: One, by the need to build the experience of the controllers; and, two, the limitations of the airfields to which and from which airplanes would fly.

I think that it is very important that we continue to address the training problem. The FAA has a plan and a program. It is in being and we are working our way back. I use the term "we"—the FAA is working its way back to a level which would permit the free flow of commerce in our skies.

I am certainly dedicated to that free flow of air commerce in every way possible, and if confirmed I would lend my shoulder to

the wheel and try to enhance the training of our air traffic controllers and facilitate the return to open air commerce in our skies.

Senator KASSEBAUM. I am sure you are familiar with the report that was made after the air traffic controllers' strike headed by Larry Jones analyzing the situation in the towers and ways that this commission suggested improvement.

Do you feel that progress has been made on some of the recommendations in the Jones report? Do you see a situation existing still there that does potentially cause tension and problems for us and perhaps we have not recognized quickly enough the need to change the existing situation?

Admiral ENGEN. I have talked to Mr. Jones and I have had the opportunity to hear his testimony before the House committee this past week. And, he said that his view in 1983 was that since he conducted the review in 1982 there had been good progress.

I see that the system is progressing back to normality and we are almost there. I agree with Mr. Jones that there is a need for emphasis upon human relations; that is, working with our human resources to draw the very best from our air traffic controllers and our tower operators.

I think that human relations are a continuing problem. This problem did not just happen in 1981, but has been a problem from the very beginning. We have been trying to upgrade our towers since we first had towers. I do feel that the Jones report, as issued in 1982, and the review in 1983, and I hope it will be reviewed again in 1984 by Mr. Jones himself, will show that we are on our way to full recovery.

Senator KASSEBAUM. This next question is really one drafted by counsel for the committee, who is also a pilot. I really would not have known enough to ask this question.

I understand that you are an active general aviation pilot. As such, you must know how important maintenance costs are to the level of such flying. I have become quite concerned recently with the FAA's confused and everchanging policy toward parts manufacturing approval.

The FAA has a 12-year-old rule on its books that is only enforced in certain regions. At the same time, they appear to attempt to put into effect the substance of a rule not even officially issued. How do you proposed to resolve this mess?

Admiral ENGEN. Madam Chairman, let me just say first that I view that question from two perspectives. One is as an aircraft owner. I was interested in buying parts for my airplane that were competitively priced and I wanted to be sure that I got the most for my dollar.

Then, as an aircraft manufacturer, on the other side, I saw what it meant to the aircraft manufacturer to expend effort, moneys, to draw up engineering design and manufacture these parts as the original equipment manufacturer. I have seen both sides of this.

I understand that through time a method of usage has developed in the different FAA regions which is not in consonance with the rule. This led to an NPRM in 1977 which still has not been resolved. In preparing for this hearing I learned that the FAA does plan to fund an independent study into this topic sometime within the next 60 days and tied to that is a requirement that the study

should report out within 90 days of the commencement of the study.

I would only say that it is a problem that must be addressed. It should be fairly and equitably resolved, and I would bend all my efforts to accept the words of that study when it is presented and make the best judgment I possibly can.

Senator KASSEBAUM. Thank you. I am sure that is good news to those who perhaps would like some clarification.

The January 1, 1985, deadline for implementation of the noise rules is really fast upon us. There have been many operators who have invested a lot of money and effort in anticipation of needing to meet the guidelines for the noise rules.

I am wondering if you as Administrator of FAA have given any thought to this and what might be appeals for some delay for those who feel they have not been able to meet the time, and does the FAA have any thought of granting waivers under conditions where perhaps an appeal has been made saying they have not been able to meet the time?

Admiral ENGEN. Madam Chairman, I can give you my personal views and then the views that I think must be espoused by the Administrator of the FAA.

First of all, I believe that the noise regulations have been published in ample time that people can be expected to comply with those regulations. I personally do not favor any relaxation of those noise rules.

As Administrator of the FAA, though, I think there is a statutory requirement to consider every request for relief under those rules and to assess a fair and equitable treatment for those who would seek exception. I think I would just leave it right there, having given you my personal feeling and then saying that I will honestly and fairly look at each case on an individual basis.

Senator KASSEBAUM. One of the biggest challenges of the FAA at this point, I should think, is the implementation of the NAS plan and I wonder how you feel about working with outside help on this project, specifically the systems integrator and the NAS advisory panel that Mr. Helms set up.

Admiral ENGEN. I think the national airspace system plan is one of the finest documents that has come down the road for a long, long time and, as you know, being part of the group that helped set this plan in motion, I think it is setting the tone for the 21st century. It is a very ambitious plan.

The FAA in its daily function, even though it has some 47,000 people with which to do its job, is burdened. Half of the FAA employees are devoted to our air traffic control system, and another quarter are devoted to maintaining the equipment in that system. So you end up with a few people who are very key, very experienced, but they do not have the time to devote full time to the integration of that plan. It is a very complex thing.

I support the systems integration effort. I think that it must be monitored very closely, though. You cannot turn this over to an outside entity and say "go do it and come back and tell me when it is done." The effort needs to be monitored on a daily basis, and I mean daily basis, for milestones that must be met to be sure that it is progressing as the FAA wants it to progress.

As to the second part of the question, I learned a long time ago that I do not know everything. I always seek outside help when I can. I think that the advisory panel as structured for the national airspace system plan is a very healthy thing, and I would seek a continuation of that panel as a way of telling me what is going on and what is the feeling in industry. After all, industry is going to be the user of the system.

I feel it is a way of keeping me apprised of views on the outside, if you would excuse that term, and also a means of prompting me to do better in the job.

Senator KASSEBAUM. It is a very ambitious plan, as you have said. We talked briefly a couple of weeks ago about perhaps a greater involvement in the FAA in trying to do a better public relations job, I suppose, to a certain extent, in speaking to the aviation community about the changes that will occur and exactly what the time frame of those policy changes is and how it will affect various parts of the aviation community.

Do you think this is something that the FAA should be devoting more time to? It goes back, I guess, to my feeling in conversations in Kansas that there has not been a clear understanding of all that is involved in the change, and some uncertainty about what does lie ahead.

Admiral ENGEN. I understand, and I share some of that uncertainty myself as I begin to get into this more and more. The simple answer, Madam Chairman, is "Yes." I believe very firmly in not surprising people. I think you need to telegraph ahead what your views are and where you are going, and I think people have to understand what the milestones are that you plan to achieve.

Surprises can be very detrimental, and I have found over the course of my lifetime that surprises bring up additional issues that would not be there if you had explained what it was you were going to do. So, I fully support a good airing and understanding by the public, because everyone will benefit from the national airspace system plan.

Senator KASSEBAUM. You said you had some uncertainties as you were looking at this. Perhaps it is not fair to put you on the spot at this point, but are there any particular uncertainties that you feel at this moment?

Admiral ENGEN. No, ma'am. I did not mean it in that context. I really meant that the plan was so large and so voluminous that I did not know quite where to get a handle on it. It is a very big plan and it is, as I said before, one of the finest plans that has come down the road in my lifetime, and it will move us into the 21st century.

Senator KASSEBAUM. Well, I certainly share that belief, too, and I know from my role here I will be happy to do anything I can to help with efforts to not only continue to look at it in an oversight role but to help explain it, because I think if it is going to be accepted it has to be understood, and I am pleased to hear you feel that is important as well.

Senator Exon, do you have any comments or questions?

Senator EXON. Madam Chairman, thank you very much.

Welcome, Mr. Engen. We are delighted to have you here this morning.

Admiral ENGEN. Thank you, Senator.

Senator EXON. I have looked at your background and experience and it seems to me that you are someone that has a lot of unique training, background and experience that I think could be tremendously helpful as we move ahead in the whole area of aviation, especially safety.

Let me get a few matters out of the way first, because I think it is important that we establish on the record very early, any problems that we might have with confirmation.

In the first instance, as you know, we have had a great difficulty with several of the Reagan administration appointees with regard to financial holdings in areas where they are supposed to regulate. Would you care to state for the record whether or not you have made full disclosure of any holdings that you have, either with regard to the part of the industry that you will be regulating as well as any other? Is that all clearly on the record?

Admiral ENGEN. Yes, Senator, I have, and I have divested myself, or I will have divested myself, of all holdings. I think I do have at this point 200 shares of a company very remotely related to communications which I will sell very shortly. I have made full disclosure and I have nothing to hide.

Senator EXON. When you say you are disposing of these assets, meaning that you are not simply placing them in a blind trust; you are disposing of them, is that correct?

Admiral ENGEN. Yes, sir; I am severing all ties with anything related to the aviation industry whatsoever.

Senator EXON. Is that true also with other closely associated members of your family?

Admiral ENGEN. Well, I have a son who works in the industry. You know, when you spend 40 years in the aviation trade you develop a lot of friends in industry. I do not have anybody other than my son, who is working in the electronics industry. He is a vice president and general manager of the Bendix Corp. at the Fort Lauderdale general aviation facility.

Senator EXON. Are you a married man?

Admiral ENGEN. I am, sir.

Senator KASSEBAUM. The sequence of that questioning was not really terribly profound.

Senator EXON. For those of you who do not understand about the birds and the bees, there are people who have sons who are not married.

Were married at one time. That is what I am trying to make reference to.

Senator KASSEBAUM. You had better stop while you are ahead.

Senator EXON. Does your wife have any? I assume she has no stock holdings at all.

Admiral ENGEN. No. Senator, she divested herself of 16 shares of Control Data Corp. which she had had for a number of years, so she has divested herself. She has no holdings.

Senator EXON. One other matter that I have looked at to some extent, and S. 2392 has been introduced to straighten this out, I think to most people's satisfaction, is the requirement that the individual in your position have only civilian connections. You are retired from the military.

Would you please state for the record, so there will be a clear understanding of why passage of a law is necessary to properly qualify you for this position?

Admiral ENGEN. Yes, sir, I would. If I could, I was provided some questions for the record and to be sure that I give this in the same sequence I would like to read the response that I submitted, if I may.

Senator EXON. You have not read that so far this morning?

Admiral ENGEN. I have not.

Senator EXON. Proceed, please.

Admiral ENGEN. Senator, I have served my country with honor for 38 years in both civil and naval officer capacities. I am currently a member of the National Transportation Safety Board, and in that capacity I am subject to the Dual Compensation Act. When I was asked if I would serve as Administrator of the FAA I weighed the personal penalties that my family might pay if I were to do so.

My wife is currently under the care of a naval doctor for a heart condition. This treatment is vital to her health and would end if I resigned my commission. This health care benefit, tied directly to me and my 36 years of naval service, is the only medical and health care plan that I and my family have. Should I resign my commission this would leave both my wife and me without health care at a point in her treatment and in our lives at which health care insurance is difficult, if not impossible, to otherwise obtain.

I contribute a percentage of my retirement pay, as reduced under the Dual Compensation Act, to the survivors benefit plan to provide an annuity for my wife. If I were to resign my commission, I would be excluded by law from this program, and if I were then to die my wife would receive no annuity.

This annuity is based upon those contributing funds that I made not only while on active duty but I continue to invest in that program today. There are additional life insurance policies for which I paid from my naval pay before retirement and for which I now pay from my retired pay. These are all programed together to be a portion of my estate for my family in the event of my death.

And that is the reason, sir.

Senator EXON. Mr. Engen, thank you.

Madam Chairman, it seems to me that this is one of those cases where, if we can attract a man of this qualification to serve us, we should change the law. I know that you have some initiatives in this area and I will be pleased to join with you. It seems to me like an excellent case can be made from what I know of the situation. Mr. Engen, thank you for your statement.

Now let us get into the specifics of the position for just a little bit and then I will have some followup questions. I suspect that we will have a second round. I know my friend from Virginia has a few questions he would like to ask about something in the local area. I will just touch on that briefly, but try and expand it to include the whole scope of the United States.

I believe that our airlines are generally well run. I believe that they try and do an excellent job. However, I am frankly concerned that during these times of stress in profits, that unless the agencies of the Federal Government responsible take an extra careful look at the rules, regulations, yes, the redtape, if you will, that we will

not be properly discharging the duties that we have as Members of the Senate and that you will have as a regulator.

Now do you have any concern, given your knowledge of the industry in general as of now, as to whether or not safety requirements, maintenance checks, channeling of more and more flights into certain high density and highly attractive airports are doing anything harmful to the normal safety requirements that we generally expect?

I have not seen any problems lately, but not too many months ago there was a rash, for example, of aircraft tires blowing out during landings and takeoffs. I am not an expert in that, but I suspect that the landing of an aircraft is an especially critical time for the tires, for example.

You know, when I saw that I wondered are they cutting any corners? Are they running the tires a little too long on the aircraft because of the squeeze in profits? I really think at a time like this, when the industry is under some stress, that we should be ever more alert in the regulatory agencies to make certain that safety requirements are enforced, and enforced very effectively.

Admiral ENGEN. Well, I certainly agree, Senator. In my role as a member of the National Transportation Safety Board I have had opportunity over the last 2 years to look very closely at the airline industry. Let me say first of all no one wants to have an accident or have something untoward happen—most of all that airline which is operating its planes, because they lose all the way around, and the United States loses.

My personal impression from investigating accidents is that I have not seen a diminution of good maintenance procedures as a national problem. Sure, occasionally an airline will have something develop in one of the maintenance areas, and even in an operating area, which leads to an unsafe procedure or something that if left untended might create an incident.

But that is why we have FAA inspectors. Recently I gave a speech to a group of aviation people at the National Aviation Club in which I called for increased inspection, not only on the part of the airlines themselves, but on the part of the FAA.

Secretary Dole, as you know, has recently said we will increase the number of airline inspectors in the FAA by a matter of some 166, which was a very good move, increasing the total number of airline inspectors by some 25 percent and putting the level back where it was before.

This group of inspectors needs to be very aggressive and needs to move around, to visit and revisit, and to vary its inspections to insure that the airlines, in a very cooperative way, are adhering to the safety procedures that are well established in industry.

On the operations side, I know that the FAA does provide safety checks. I myself have flown in the cockpit of airliners flying across this Nation and have ridden with FAA inspectors, and I have watched them at work. They are very thorough, very impartial. They treat those they check very fairly, and they provide a very good service.

There are just so many inspectors and there are so many airplanes that what you try to do is to get as much of the airline population as you possibly can. You never have 100-percent coverage.

If you did, I think the cost would be prohibitive. But that does not reduce the importance of those safety inspections.

With regard to the channeling of traffic to airports, I think that is the responsibility of the FAA to provide a safe haven, if you will, and safe methods for our air commerce to flow freely throughout this Nation. If confirmed as Administrator, I would work toward improving our capability to allow that free commerce to flow.

Senator EXON. Thank you, Mr. Engen. One last question for this round.

How many different fuels are there used in aircraft at a typical commercial airport today? Are there several different types of fuels?

Admiral ENGEN. Yes, sir. I do not know that I could even say them all. But, of course, there is 80 octane, which is being phased out, a little bit to the chagrin of some, I think; 100 octane, 115/145, and then turbine fuels. There are about five or six different fuels.

Senator EXON. It seems to me—and correct me if I am wrong; you would probably know—but it seems to me that in a number of recent cases some of the difficulties that we have had with airplane crashes or operating difficulties were the result of placing the wrong type of fuel inadvertently in the aircraft and nobody knew anything about it.

That is nearly impossible in the general driving public today, whether you use regular or unleaded gasoline because of the size of the equipment used to fuel the automobile. Would it not be practical to institute some rules and regulations to dictate that we try and eliminate that potential safety factor with different sizes of nozzles that would prevent, unless it was done overtly, placing the wrong fuel in the wrong aircraft?

Admiral ENGEN. The simple answer, sir, is yes; and it is being done by the General Aviation Manufacturers Association, and the industry at large. They have come forward with a plan for general aviation airplanes, the smaller piston-engined airplanes. We have lost these on occasion by having turbine fuel put in them.

Turbine fuel just does not burn very well in a piston engine and you usually find out when you are about 100 feet in the air and on your way. But industry has come up with a very fine procedure which is relatively inexpensive and can be installed in all general aviation aircraft, and which would embody just that principle that you are talking about.

It is a filler neck insert device which would restrict the large turbine fuel nozzle from going into the gas tank of the smaller aircraft. And concurrent with that, of course, is the reduction of all aviation gasoline nozzles to a smaller size, much like our unleaded pumps have.

Now when you consider airlines and when you talk about the larger airplanes you are talking volumes of fuel, and I think you have to reach out to other procedures when you go to the very large airplanes.

Senator EXON. Are you satisifed that these techniques are being put in effect as fast as they possibly could under a reasonable cost basis?

Admiral ENGEN. No, sir.

Senator EXON. Will you try and expedite that if you become Administrator?

Admiral ENGEN. I would. I would never be satisfied with only a marginal rate of safety improvement. I am very safety oriented and I would certainly push that.

Senator EXON. Thank you, Mr. Engen. I will have a second round of questions for you later. Thank you, Madam Chairman.

Senator KASSEBAUM. Senator Trible.

Senator TRIBLE. Thank you, Madam Chairman.

Admiral, you will face many major issues as the Administrator. Ranking high in importance is the operation of National and Dulles Airports. As my friend from Nebraska guessed, I would like to focus some attention on those issues.

One troubling and very important point has been the increasing reports of disagreement between the National Transportation Safety Board and the FAA. Let us take the Rosslyn skyline as an example. NTSB makes recommendations; the FAA summarily rejects those recommendations. Then the Secretary of Transportation must step in.

Since you have served ably on the National Transportation Safety Board it is my hope that both of these organizations will now be able to work together more effectively to insure the safety of the traveling public, and I hope that you will make that one of your goals.

Admiral ENGEN. Senator Trible, I will. If I might say in amplification that historically—and this is just an amplification—historically the FAA during my tenure on the Safety Board has implemented about 80 percent of the recommendations which we have sent forward, and about 16, 17, or 18 percent of the cases have become contentious issues which the Chairman of the NTSB and the Administrator have exchanged letters on.

So there is a willingness on the part of the FAA to accept those things which the NTSB says, except in some cases, and I would certainly bring all my powers to bear to make the FAA as responsive as we can to any safety initiative. I think it is very important.

The Administrator's role from a legislative standpoint is primacy in safety, and he must see that safety moves forward. I would do that.

Senator TRIBLE. In that regard I want to urge you to leave no stone unturned in guaranteeing the safety of those people that live and work near National Airport and those people that use that important facility.

In that regard, in response to a number of near misses, the Secretary of Transportation has accelerated the institution of a new approach path, accelerated the installation of the new up-to-date localizer directional aid system. These are positive developments and I welcome them, and they result from the recommendations of the National Transportation Safety Board.

But I think more must be done. Specifically, Congressman Wolfe and I recommended a number of things additional—warning lights placed on the USA Today building, pilots given explicit instructions and warnings about the Rosslyn problem, the National Airport tower enforcing the 720-foot minimum altitude requirement.

I think those kinds of initiatives, along with those already under way, might increase the margin of safety, and I would hope that you would give those your full consideration.

Admiral ENGEN. I will, Senator, and might I say in amplification again that the Safety Board basically had made three recommendations to the FAA—one generally that the approach to runway 18 be better defined vis-a-vis the 720-foot minimum decision altitude that you spoke of; second, that an LDA approach be provided; and, third, that the minimum safe altitude warning system be functioning.

FAA has moved on the first two and hopefully will move on the third one.

Senator TRIBLE. Good. Let us talk about that because you are now in a position to implement that recommendation. On March 24, 1983, the NTSB, as you said, made the recommendation that the National Airport antenna array be moved to a site where it would provide more reliable operation for the minimum safe altitude warning system, namely that the Transportation Safety Board recommended was that the radar array be moved from the main runway across the river.

Now explain, if you will, for us why this recommendation was made and tell me if you still support that recommendation, and whether we can implement that recommendation?

Admiral ENGEN. Well, the recommendation was made because it was apparent to our staff investigators that aircraft minimum safe altitude warnings were not coming through to those people in the tower and, as I recall, at that point in time we felt that it was the placement of the radar that was really causing the problem, and we thought perhaps it was the reflectivity of the buildings in the Rosslyn area.

Subsequent to that time our staff, I believe, has found that this is not necessarily the case, and I believe the Chairman of the NTSB in his recent testimony before the House made reference to this.

I think the NTSB staff then said, that perhaps it is the software between the radar site and the tower, the assimilation of the information is not allowing the proper information to flow "through" so that the tower controllers can in fact warn the pilots if they are approaching minimum safe altitude.

I think more recently the Safety Board found—and in a way I am putting myself on report as a prospective Administrator here—that perhaps the tower personnel were receiving this information, but through training procedures and the rapid movement of events in the tower were not passing on those warnings to those pilots in the air. And that, I think, is the Safety Board's position at this point in time.

I would only say to you, sir, that I will look at this. I will turn my hat around if confirmed and look at this with wide-open eyes when I arrive on the scene.

Senator TRIBLE. Good. Specifically I would make the following request. I would like as one of your first actions at Administrator for you to thoroughly study this problem, the problem of the MSAW radar system at National. The evidence is overwhelming that there is a problem and then perhaps after your confirmation and after you have had a time to study the problem you might report to this

committee your findings and what you would suggest as an answer to those problems.

Admiral ENGEN. Senator, I would be very pleased to do so, and, if I might add, the approach is well defined, and I think if we use all the equipment that is available to us that it can continue to be, as it is now, a safe approach.

Senator TRIBLE. All right. So let me mention three other issues very briefly and then I will yield to my colieagues.

First, the scatter plan is a matter of some interest and concern to those of us that live in the Washington metropolitan area. It has been controversial. It has been divisive. One positive effect, I think, is that it has united the metropolitan area on the need for strict noise and flight controls at National Airport and on the need to promote Dulles Airport.

So this is an issue that we would hope to pursue with you as Administrator. In that regard, it is my view and that of my colleagues from Virginia and the Secretary that we should place a cap on the number of flights at National Airport. As you know, the Secretary has proposed a reduction in the National passenger cap to 14.8 million per year, and along with that she proposes to give airlines some flexibility in their schedule.

I hope that you will support that reduction in the cap. I believe it is important not only to encouraging greater utilization of Dulles, which is important in my mind, but also I think it does bear directly on the question of safety at National Airport as well.

Admiral ENGEN. I would support anything that made things more safe, Senator, and I support the Secretary's position. I think that there is a need in certain places to manage the traffic because of safety. I think that this is something that continually needs to be looked at in light of changing conditions and in light of the long-term scheme of things.

Just let me say that it is my view based upon my experience in aviation and having watched a lot of airports develop over time that when a new and more capable airport is developed, given time, traffic will flow to that new and more capable airport.

Senator TRIBLE. That brings me to my final point. I think it is important that we more fully utilize that great national resource, Dulles Airport. It makes sense and I will be working with you in the days ahead to bring that about.

One proposal that Congressman Frank Wolfe and I have made is that we pursue the development of a midfield terminal at Dulles Airport. This indeed is an initiative supported by the FAA. But the administration has requested some preliminary funds by way of reprograming to begin the design of this project.

But I think it is important if we are going to attract to Dulles the shorter flights where time is of the essence, where people need to deplane and board quickly. So I will look foward to working with you in that regard as well.

Once again, I applaud your selection by the President and enthusiastically support your nomination, and I know that you will continue to distinguish yourself in the service of your country.

Admiral ENGEN. Thank you, Senator Trible. I will give it my very best.

Senator TRIBLE. Thank you, Madam Chairman.

Senator KASSEBAUM. Mr. Engen, it is my understanding that the FAA is about to issue, an NPRM regarding flight time limitations. A couple of questions.

Do you support the NTSB's recommendation that the minimum safe rest should be 8 hours in a rest facility?

Admiral ENGEN. The short answer, Madam Chairman, is yes. I was part and parcel of that recommendation. I think it is very important that we insure that those who fly in our system in a commercial sense carrying passengers, which is the most precious cargo that we have, have adequate rest. I would support that.

Senator KASSEBAUM. Second, do you believe it is wise to raise the allowable number of flight hours from the current 8 hours to 9?

Admiral ENGEN. I would like to look at that more carefully, but let me just tell you that does not give me a major problem. It really does not, but I would like to examine it more carefully.

Having been in the same position and having had to do the same thing and measuring my body and my mental response, it does not bother me.

Senator KASSEBAUM. Thank you. That is all the questions I have.

Senator Exon, do you have more?

Senator EXON. Mr. Engen, a few more questions.

First, you know I share your concern and that of my colleague from across the Potomac on the difficulties with the scatter plan, the underutilization of Dulles Airport, and all those things. I just wanted to say to you that whatever kind of a scatter plan you implement keep Nebraska in mind. We would like to scatter.

Senator KASSEBAUM. Now Kansas is right next to Nebraska.

Senator EXON. We will run shuttle planes down to Kansas.

So when people talk about underuse of Dulles Airport, certainly we have several key airports in Nebraska that are more underutilized than Dulles is, which leads me into this whole matter of discussion of essential air service which is becoming an increasingly difficult problem.

We have a brandnew problem out in Nebraska that you are going to be made aware of very shortly, and that is with the elimination of service by a major airline and the difficulty in finding commuter airlines under the deregulation act to furnish service in this whole area.

A lot of this, of course, comes back to the matter of slots, slots into the major centers such as Chicago's O'Hare, for example. Could you just tell me how much you are up on all of these difficulties, the tremendous stress that it has placed on a number of cities that have floated bond issues to increase lengths of runways, assuming that there would be jet service there for a long, long time, and now unless we can correct it there might not be any such service? In these cases the local taxpayers are stuck with the bonds on the lengthening of the runway with no benefit.

So we have a lot of economic factors at work here and by and large except for Omaha, Nebr., airline deregulation that was passed on many years ago has not been particularly helpful to us. Now you get back to the situation, of course, of boarding of passengers and all these things, but sometimes I think we may be overslotting some of these large metropolitan centers, such as O'Hare.

I can understand the airlines' position. They just love to carry passengers from New York to Los Angeles and Los Angeles to Chicago. They have got their economic problems also. But I just want to impress on you and I would like to have you amplify as best you can in your views now as to how you see this essential air service requirement and how that fits in with slotting.

Admiral ENGEN. Senator, that is a long question.

Basically speaking, the essential air service is currently administered by the CAB. I think as the CAB goes to sunset—and I am not an expert in that process yet—I think there is a need to make sure that those routes which do fall under the essential air service program at this point in time can continue to be served.

You do not want to help people on the one hand and then deny them help on the other. So, I do support, if you want to call it priority consideration, those who have essential air service. I think it would be a nice thing if we could move Chicago to Nebraska and we could have all those wide open spaces.

Senator EXON. Let me ask a question that was presented by Senator Ford, who unfortunately could not be here this morning. His question is this.

In the last year the FAA has reopened control towers at Farmington, N. Mex., Owensboro, Ky., and Cuyahoga, Ohio, and contracting out the air traffic control services of the tower. The FAA has also said it will add 12 more towers to the contracting program in the next several months and is seriously considering a total contract program of 45 level 1 towers by the end of fiscal year 1985.

I would appreciate your considering the development of a national and comprehensive level 1 VFR control tower program which will meet the needs of industry, Congress, the Federal Government and, most importantly, the traveling public. Immediately reopening these towers that have been closed will enhance safety as well as save a significant amount of Federal dollars.

Could you give us your view on this problem?

Admiral ENGEN. Let me give you a partial answer and I will give you everything I know at this point in time, with a promise that it will be an area in which I will be very interested and will work very diligently subsequently.

I think that the contracting of towers, the level 1 towers, has been a good program. There has been Federal support in the way of funds. There has been local support in the way of people to man these towers, and these towers are, in fact, fulfilling a very significant need in the context of our national air space.

I think that it is a way in which the Federal Government can save valuable dollars while continuing to provide good service in the community through training and some support, but at considerably less cost. That is an attractive option to me and I just wanted to say that so that you know how I felt about that, because what we want is good control. We want safe control, and we want to be sure that all of our towers, levels 1, 2, 3, 4, 5 are coordinated in our airspace system.

I will certainly be working in this area and looking very carefully at any expansion in the local contracting of the level 1 towers.

Senator EXON. One last question, Madam Chairman, which is a particularly critical one for some of our airport managers in Ne-

braska. They have advised me of a concern that they have over an FAA ruling which states that a certified airport operator is responsible for misfueling of an airplane, even if the airport does not control the fueling operation.

In other words, they argue that it is unfair that airport operators be held responsible for actions taken by someone else's employees and that the FAA should be regulating fuelers directly. What is your view of this controversy which is causing growing concern out in Nebraska?

Admiral ENGEN. Senator, it is a nationwide concern, of which Nebraska being in the heartland of the United States probably is at the center of it.

The Safety Board, in investigating accidents over the past, has come to the conclusion that there is need for standardization and some way of certifying those who fuel aircraft. We, through the Chairman of the NTSB, are providing to the FAA our recommendations.

Now, we did not say how this certification and standardization should be handled. We just said that we felt it was for the good of aviation and aviation safety that it be done. There are a number of ways it can be done. I certainly agree with what you said about the airport operators. I feel that they provide a geographic space and facilities and then contract people come in and provide the services.

It is tantamount to, I guess—well, I cannot draw another example, but it leaves the airport operator liable for something over which he has no control.

Senator EXON. Yes; that is the point.

Admiral ENGEN. So, I would look at that. I would look at that very critically, and there is need for standardization and certification of some kind for our refueling operations.

Senator EXON. Let me ask you a followup question on it. In your experience with this increasing difficulty of misfueling of aircraft—I guess that is the way to put it—has that primarily been due to gross carelessness? If it is, it would seem to me, as we discussed earlier, that if you had a control over the nozzle that goes into the tank, it would be helpful.

Or is it coupled with the problem of the fuel that is going into that aircraft just not coming up to standards? Maybe I am asking you the question of what are the rules, regulations, and testing procedures of the quality of fuel that goes into the aircraft? Or in your opinion, has the quality of the fuel itself not been a major problem?

Admiral ENGEN. I would say in our examinations at the NTSB that we found that carelessness probably is the number one culprit. A pilot comes in and says "fill it up," turns around, goes to the operations facility to refile or to visit or to leave the airport to return at a later time. And somebody comes in and fuels the aircraft in a hurry.

One specific case recently was the young gentleman who tried to start the proper fuel truck, which was an aviation gasoline fuel truck. It would not start because of the cold weather. He went to the truck next to it, and it would start, but unfortunately it had turbine fuel in it, and he drove the truck that he could start to the airplane and fueled it.

This act was careless. People cause accidents; accidents do not just happen. So, you have to look at the human factors of the situation, really.

Now, then, there are fuel standards, but perhaps there is a residue- or water-contaminated fuel passed through to the owner-operator. It is a requirement of the pilot to insure that he receives the fuel that is for his airplane. That is a basic requirement.

Now, you cannot transfer that, but what you want to do is make it as safe for the pilot as you possibly can so that that cannot happen. I think that we need to be sure that we certify the quality of the fuel as well, that it does not have water in it, that it does not have some turbine fuel in it, that the sludge is gone.

But you cannot relieve the pilot of his responsibility with respect to fuel.

Senator EXON. Well, there is no way that a pilot could know, is there, that there is too much water in the fuel? I mean, he has no gages that tell him that.

Admiral ENGEN. Yes, sir; let us speak of small airplanes now. When fueled, water or contaminants settle to the bottom. Airplanes are designed with low-level drains which in the general aviation parlance are used to preflight the airplane. If you do this on a rapid turnaround then it is not always possible, because the fuel and contaminants are all bubbling inside.

Now when you go to the larger operation, large quantities, thousands of gallons of gasoline are put into airplanes, you have to operate on trust and confidence, and the pilot physically cannot get out there and sample his fuel. You then revert back to quality control, procedures, and standards.

Senator EXON. Mr. Engen, thank you. I am pleased to join my colleagues in active support of your nomination by the President. I think it is a good one, and I predict we are not going to have any significant difficulty. Thank you very much for being here this morning.

Thank you, Madam Chairman.

Admiral ENGEN. Thank you very much.

Senator KASSEBAUM. Thank you very much, Senator Exon. There are a few other questions that other members have that we will submit to you to answer for the record.

I am pleased, Senator Exon, to hear that you will join with me and Senator Packwood in support and sponsorship of S. 2392, which allows Mr. Engen to serve as FAA Administrator notwithstanding provisions of 49 U.S.C. 106, and that exemption, let me state, applies only to Mr. Engen and does not eliminate the civilian requirement for subsequent administrators.

The net result of this is that Mr. Engen will not receive his military retirement pay while serving as Administrator. Upon the termination of Mr. Engen's service as Administrator he will retain all the benefits of his military retirement.

We will mark up S. 2392 and the confirmation on March 27 and I would agree that I look forward to speedy confirmation. This is an enormously important position for those of us interested in aviation, and we are very pleased, Mr. Engen, that you are willing to serve additionally in this spot on top of all of the service that you have given to the country and look forward to working with you.

Admiral ENGEN. Thank you, Madam Chairman. Thank you very much.

To clarify a point, if I could, at the risk of being overly legalistic. As you read that to me just then, I thought the bill was that I would retain while serving as Administrator those rights and benefits.

Senator KASSEBAUM. That is right. It is the military retirement pay.

Admiral ENGEN. Oh, I see—that I would retain the rights and benefits without the pay; is that right? That is not the way—I thought it was without restriction, Madam Chairman.

Senator KASSEBAUM. You are currently subject to the Dual Compensation Act.

Admiral ENGEN. Yes, ma'am.

Senator KASSEBAUM. That does not change. Does that clarify that?

Admiral ENGEN. That does clarify it; thank you very much. It is just a small point.

Senator KASSEBAUM. It is a large matter and I am sorry if I only confused the issue.

Thank you. That concludes the hearing.

Admiral ENGEN. Thank you very much.

[The biographical sketch, answers to questions of the committee, and materials submitted for the record follow:]

BIOGRAPHICAL SKETCH OF DONALD DAVENPORT ENGEN

Address: 809 Duke Street, Alexandria, VA 22314.

Date and place of birth: May 28, 1924, Pomona, California.

Marital status: Married, Mary Baker Engen.

Names and ages of children: D. Travis Engen (39), Candace L. Ellis (38), Christopher W. Engen (35), Charles T. Engen (24).

Education: Pasadena Junior College, Undergraduate—1939-42; UCLA, Undergraduate—1946; Empire Test Pilots School, Graduated—1953; University of Rhode Island, Undergraduate—1965; U.S. Naval War College—Graduated with distinction—1966; George Washington University, BS, majoring in Bsns Admin—1968.

Employment record: Aviation Cadet, 1942-43; Ensign to Lieutenant, U.S. Navy 1943-45; Passenger Agent, UAL, Long Beach, CA, 1946, Test Engineer, CONVAIR, Bellflower, CA, 1946; Lieutenant to Vice Admiral, U.S. Navy, 1946-78; General Manager, Piper Aircraft Corporation, Lakeland, FL, 1978-80; Senior Associate, Ketron, Inc., Arlington, VA, 1980-82; Member, National Transportation Safety Board, Washington, D.C., 1982-Present.

Governmental experience: 36 years U.S. Navy, Ensign through Vice Admiral; 2 years Member, National Transportation Safety Board.

Memberships: Society of Experimental Test Pilots, Member, since 1957; Experimental Aircraft Assocation, Member, since 1973; Aircraft Owners and Pilots Association, Member, since 1973; Lakeland, FL Chamber of Commerce, 1979-80; Burnside-Ott, Unpaid Advisor, 1980-83; Tail Hook Association, Member, since 1980; National Aviation Club, Member now Director, since 1981; Aero Club, Washington, D.C., Member, since 1981.

Political affiliations: Registered Republican voter. No offices held. Contributions to Republican Party 1979, $25; 1980, $50; 1981, $200; 1982, $200; 1983, $200.

Honors and awards: Navy Cross, valor in action World War II—1944; Distinguished Flying Cross, Combat Action 1944; Air Medal, 3 awards, Combat Action—1944 and 1950; Legion of Merit, actions as Asst DCNO Strategic Plans-1971; Legion of Merit, meritorious service as CTF 60—1972; Distinguished Service Medal, distinguished service as Deputy Commander in Chief, U.S. Naval Forces, Europe—1976; Defense Meritorious Service Medal, meritorious service as Deputy Commander in Chief, U.S. Atlantic Command—1976-80; Distinguished Service Medal, distinguished service as Deputy Commander in Chief, U.S. Atlantic Fleet—1976-78.

Published writings and speeches: Supersonic Flight, an article, Naval Aviation News—1957; The Importance of Spins, an article, Naval Aviation Safety—1958; Beyond the Midnight Sun, an article, AOPA Pilot Magazine—1975; An Elevating Experience, an article, Naval Aviation Museum—1982; Principle Speech at Change of Command, NAS Oceana VA to assembled officers, men and guests—1980; Speech on Coast Guard Budget Planning, Governors Island, NY to officers and senior petty officers of the command—1982; Speech on Aviation Safety, NAS Pensacola, Florida to assembled student and instructor officers—January 1984; The above speeches were extemporaneous and I have retained no copies. Speech on Dangers of Automation in the Cockpit, Beverly Hills, California to Society of Experimental Test Pilots—September 1983; Speech on Airline Safety, National Aviation Club, Washington, D.C. to attendees at a lunch—January 1984; There are others, I just do not remember them.

QUESTIONS OF THE MINORITY AND THE ANSWERS THERETO

Question. The Federal Aviation Act of 1958, as amended, specifically states that the Administrator of the Federal Aviation Administration must be a civilian. Yet, you have told the Committee that you will not resign your commission with the Navy before taking this appointment. What are your specific individual reasons for asking the Congress to waive the act, allowing you to keep your commission?

Answer. I have served my country with honor for 38 years in both civil and naval officer capacities. I am currently a Member, National Transportation Safety Board, and in that capacity I am subject to the Dual Compensation Act. When I was asked if I would serve as Administrator of the FAA, I weighed the personal penalties that my family might pay if I were to do so. My wife is currently under the care of a doctor at a naval hospital for a heart condition. This treatment is vital to her health and would end if I resigned my commission. This health care benefit, tied directly to me and my 36 years of naval service, is the only medical and health care plan that my family has. Should I resign my commission this would leave both my wife and me without health care at a point in her treatment and in our lives at which health care insurance is difficult, if not impossible, to otherwise obtain.

I contribute a percentage of my retirement pay, as reduced under the Dual Compensation Act, to the Survivors Benefit Plan to provide an annuity to my wife. If I were to resign my commission I would be excluded by law from this program, and if I were then to die, my wife would receive no annuity. This annuity is based upon those contributing funds that I have already invested and continue to invest. There are additional life insurance policies for which I paid from my naval pay before retirement and for which I now pay from my retirement pay. These are a programmed portion of my estate for my family in the event of my death.

Question. Since prior legislation accomplishing a similar exemption, which was enacted in 1965 (P.L. 89-46) for General William F. McKee, specifically stated that such action should not be construed as a precedent for future nominations for FAA Administrator, what is the justification for considering legislation to waive this provision an additional time?

Answer. The Congressional Record of the 1965 hearings for General William F. McKee contain specific comments from Senator Monroney, a principal architect of the Federal Aviation Act of 1958. Among other things, he stated that it was not intended that a military person never serve as Administrator, and that on occasion, and for the good of the country, exceptions could and might be made. Additionally, Senator Monroney made the point that he felt comfortable with the concept of a waiver at times, since Congress would control the situation. Justification for considering legislation to waive the civilian requirement in my case should and does remain with the Congress after judging the experience, knowledge and ability that I would bring to the position of Administrator of the FAA.

Question. Apart from your individual circumstances in this nomination, do you believe that the Congress should consider legislation to eliminate the requirement that that Administrator be a civilian?

Answer. No. Congress, in its wisdom, can make that decision on a case-by-case basis, if required in the best interests of our country.

Question. In response to one of the questions on the Commerce Committee questionnaire, you stated that you "understood the strengths and weaknesses of the FAA." Can you tell the Committee what you think are the strengths and weaknesses of this agency? What particular actions would you take as Administrator to improve upon the weaknesses?

Answer. As a licensed aviator and user of our aviation system for many years, I understand in great detail what the FAA does and how it interfaces with the public. As a Member, National Transportation Safety Board, I have been monitoring the FAA with respect to aviation safety for the past 21 months. At times, I have worked side by side with FAA employees in these efforts. Safety is a product of regulation, standards, training, funding, maintenance and operations. There are strengths and weaknesses in the facets of operations and management in every organization, including FAA. I would apply my management background to bring forth the best in that organization. Some topics that warrant close attention and increased emphasis are aviation safety, firm fiscal control, improvement in human relations activity (particularly in the air traffic control area), and implementation of plans how in place.

Question. In late 1981, the FAA chartered its mulityear plan for modernizing and improving air traffic control and airway facilities services. As a Member of the National Transportation Safety Board, you have had ample opportunity to review the NAS plan. Do you agree with the general direction of the Plan and do you foresee the need for any significant staffing or program changes in it?

Answer. As a Member of the National Transportation Safety Board, I have not "had ample opportunity to review the National Airspace Plan" because the Board has not undertake such a review. I am conversant with the goals, programs, and phased implementation of the NAS Plan because of my interest in aviation. I wholeheartedly agree with the direction of the Plan. It is an ambitious, much needed step toward the future of aviation in the United States, and, in turn, eventually it will have an impact on aviation throughout the world. There will be a need for continuous "hands on" management as the Plan is implemented. Procurement actions in the early years must be well thought out and orchestrated in order that introduction, timing and cost are maintained as now envisioned. Good management will have to be exercised on a daily basis in order that the path toward successful completion will be as short as possible. Program changes as the Plan is being implemented can increase cost by large amounts and should be avoided through good management and planning.

Question. The President's fiscal year 1985 budget request calls for full funding of the major trust funding programs administered by the FAA. Do you agree with these request levels? Will you support full funding of these programs through the expiration of the current authorization in 1987?

Answer. I do. I will.

Question. As you know, the FAA's program to consolidate its Flight Service Stations into 61 automated facilities has drawn a significant amount of attention and criticism. What is your view of this effort and do you anticipate any revisions in the implementation plan of this consolidation program?

Answer. Along with the rest of the NAS Plan, consolidation of Flight Service Stations is one area which I will be examining closely. This examination will focus on the impact of loss of local aerological and aeronautical knowledge available to pilots with respect to certain geographic areas and the resultant effect, if any, on flying safety. At this time I have no plan to change the course of the consolidation program.

Question. With respect to facility consolidations, the FAA has proposed permanent closure of a number of airport control towers throughout the country in the coming years. Do you think this is a wise action? What will be the impact of these closures on aviation safety?

Answer. I have not had the opportunity to evaluate specific airport tower closures. Any closure should be studied with full consideration for local conditions and how these may impact on the total system. Positive controlled airspace is historically more safe with respect to conflicting air traffic than that which is not positively controlled. Volume of air traffic in an airport control zone is the determining factor for need. This can change with time. A tower closed in one year might subsequently need to be reopened because of increased traffic. There are other options to FAA-manned control towers, and these should be examined prior to any closure.

Question. What is your view of FAA's plan to contract out an increasing number of control tower services to the private sector?

Answer. Contracting control tower services is an option which could save appreciable cost to the taxpayer. Each situation should be examined on its own merits, with a view toward need, operational capability, safety, overall system standardization, and cost. The examination should give safety primacy, since this is why we have established control towers.

Question. The Committee is greatly concerned about staffing levels of air traffic controllers and their performance since the 1981 PATCO strike. Do you believe it

would be in the interest of aviation safety to return to pre-strike staffing levels for controllers? If not, what is the appropriate level of manpower and how can the lower level be justified?

Answer. Aviation safety has been a primary consideration of mine since I first started flying over 40 years ago. As a member of the National Transportation Safety Board, I had monitored the national Air Traffic Control situation over the past 2 years. The ATC system has been managed carefully and safely through the use of differing methods of air traffic flow control. The NAS Plan, along with its improved automation, will make possible good and safe air traffic control at reduced manning levels. I do not believe that there is a need to return to prior manning levels just for the sake of meeting those levels. The appropriate level of ATC manning which should be sought is that which permits the safe and expeditious flow of aircraft traffic within our system. This should be monitored on a daily basis, with adjustment as required.

Question. As Administrator, will you consider rehiring former controllers who were fired for participating in the 1981 strike?

Answer. The President has made his decision with respect to the reemployment of air traffic controllers who participated in the 1981 strike. I support that decision.

Question. The Committee is increasingly hearing of complaints from controllers about the deterioration of relations between them and FAA management, as well as missed opportunities to improve upon those relations. What specific steps do you think should be taken by the Administrator to improve upon management/controller relations?

Answer. Communications is the key to good human relations, provided those communications lead to solving situations perceived as being a problem. There is an active human relations program within the FAA. This is relatively new. Knowledge of human needs and concern for the individual are the cornerstones of good management. The FAA human relations program and my beliefs concerning personnel management are complementary. I would do my utmost to impart to those who would carry out my policies the urgent need that each individual understand where and how he or she fits into the organization and contributes to the success of any program. Where there are personnel complaints there should be redress or better understanding of the reasons for the pertinent policy; and where complaints go unanswered, this indicates the need for different or improved managers. The Administrator should not be insulated from those who work for him. I believe in strong personal leadership.

Question. The Department of Transportation is once again in the process of undergoing a review of flight operations at National Airport. What is your position with respect to the Secretary's recently announced proposal to lower the annual passenger ceiling at National from 16 million to 14.8 million?

Answer. I support the announced proposal of the Secretary of Transportation to monitor passenger volume and hence control operations at levels which will provide safety. When the physical capabilities of National Airport become taxed to the point that the level of safety is diminished or the well-being of those who use or live near the airport can be demonstrated as being impaired, then that airport capability either should be expanded to the level required or the traffic reduced to fit within safe and good operating parameters. Washington National Airport is a good airport which is physically constrained. This airport, like all other airports, must operate under constraints oriented to achieve safety for the public.

Question. How do you view the split in commercial operations between Dulles International and National Airports? Do you have any long-term ideas for better management of the Washington Metropolitan Airports?

Answer. When construction of Dulles International Airport was authorized in 1950, it was envisioned as a major part of the Washington metropolitan airport system. Washington National and Dulles International Airports are operationally complementary. From an historic viewpoint traffic volume should increase with time at Dulles and decrease at Washington National. There is a need for better ground or air transport between Dulles and the Washington metropolitan area. When it is available, then the travelling public will naturally gravitate to the larger and more capable Dulles International Airport.

Question. To what extent should the FAA and DOT be involved in ensuring adequate access to National Airport and other airports operating under capacity constraints?

Answer. The FAA's primary responsibility is to ensure that the safety and efficiency of the nation's airspace system is maintained. The National Airports Policy is guided also by other objectives' including the need to consider environmental as well as safety factors. Pursuant to these responsibilities, the agency's role should be

to determine the maximum safe air traffic operating limits. These limits should be established carefully with a view toward early relaxation as capability increases. The goal to be sought is the least limitation on access which is feasible.

Question. Do you support the concept of buying and selling airport slots?

Answer. Aviation has grown and prospered in the United States because of the need to save time and bridge great distances. That freedom of development enabled our country to become preeminent in aviation, and this in turn has fostered more development. When existing procedures, which fostered such freedom, become restrictive, then other methods should be closely examined. While I personally feel that the sale of airspace rights will tend to limit freedom and eventually will increase the cost of travel and inhibit commerce, I would not limit the alternative methods to be examined. The legal and operational consequences of each alternative must be fully explored, with public and industry participation.

Question. Many have complained over the years about the imposition of the High Density Rule. Specifically, they charge it as being anti-competitive. Do you agree, and if so, what should be done about it?

Answer. The High Density Rule has occurred as the result of desired operations exceeding the operational capability at a given airport or terminal area. The reason for such a rule is to maintain a safe and efficient system. The limitations contained in the High Density Rule must accurately reflect safe airport and air traffic capacity. Those limitations should be continuously reviewed to ensure that capacity at each one of the airports is maximized and that there are no unwarranted air traffic restrictions. Any attempt to control air traffic flow by levying ceilings will tend to be viewed by those who will be constrained as anti-competitive. There are two alternatives to the rule; increase the capability to handle the volume of traffic or increase the risk to the travelling public. Obviously, we will not do the latter, so we must work toward improved capability and enhanced air commerce.

Question. Recently, the FAA issued proposed changes in the Rule for several major airports. There is a concern by some that the increased operations, especially at O'Hare Airport in Chicago, will favor the major carriers proportionately more than commuters, thereby limiting the potential for growth in many small communities in the region. As Administrator, what steps will you undertake to ensure adequate access to major airports by commuter airlines? Will Essential Air Service points continue to receive priority treatment under the new High Density Rule, especially after the Civil Aeronautics Board sunsets?

Answer. Commuter airlines plays a vital role in this Nation's air transportation system. The March 1, amendment to the High Density Rule adjusted total operations at LaGuardia, Kennedy and O'Hare Airports as a result of changes in the number and nature of their operations since the rule was first promulgated. For example, at LaGuardia Airport all new capacity was given to commuter operations. The agency's review of the High Density Rule should focus on the distribution of slots to ensure that he air carrier and commuter allocations reflect the needs of the public and of the airports, and the demands and the nature of the air transportation industry. As part of this, Essential Air Service operations must be given priority consideration. I expect the FAA to work closely with the Civil Aeronauctics Board and the Office of the Secretary of Transportation on this important issue. In this connection, it is the Administrator's role to plan and implement the introduction of procedures, facilities and equipment within the constraints established through funding by Congress to fulfill safely the agency's statutory responsibilities and the policies of the Secretary of Transportation. Adequate access to terminal areas should be provided for commuters, carriers, and general aviation.

Question. As you know, the FAA has the duty to promote aviation and to enforce safety requirements. Some have suggested that these two functions are incompatible and that the FAA ought to be relieved of its "promotional" responsibility. What do you think?

Answer. My primary role for the past two years has been to promote safety. In my view, one of the Administrator's duties is to achieve mutual understanding, standardization and safety in aviation. Enforcement is the key to compliance. Promotion of aviation concepts and equipment does not have to be anti-safety. One could argue that knowledge and responsibility in the area of safety could lead to increased effectiveness in promoting United States aviation products and services and their use. Obviously, a balance must be achieved with no derogation of safety.

Question. What are your views as to the possibility of extending the range for overwater flights by twin-engine aircraft?

Answer. I would want to study such a proposal in depth, considering safety, technology and air transport history, before I would comment.

Question. On January 1, 1985, the FAA noise regulations require replacement or modification of older, noisier commercial aircraft. This is of particular interest to several major airports currently being served by large numbers of DC-8 and 707 aircraft, such as Miami. Do you think these rules have allowed adequate time for retrofitting and replacement of these older aircraft and will you consider allowing exemptions to these noise rules?

Answer. The existence of, and the intent to implement, aircraft noise regulations have been known for a period of time adequate to allow such retrofitting and replacement. At this point, I do not support the granting of exemptions to these noise rules.

Question. The Airport and Airways Improvement Act of 1982 called for a study by DOT on the ability of individual airports to finance airport developments through passenger facility charges, or "head taxes." What are your views on allowing airports to collect such charges?

Answer. I have not had the opportunity to study the ability to finance airport improvements through the use of airport "head taxes." I generally do not favor such taxes. I would defer any comments until I have had the opportunity to examine the issue in depth.

QUESTIONS OF SENATOR HEFLIN AND THE ANSWERS THERETO

Question. Mr. Engen, would you give us your view of the FAA's role in the long-term development of airport/airway systems?

Answer. The FAA has the responsibility, as delegated from the Secretary of Transportation by statute, to provide foe the safe flow of air traffic in the United States. To carry out this function adequately, the FAA should plan ahead for increases or decreases of air traffic demand upon the airspace system. This active role in planning for the future should be diligently pursued in such a manner that the expansion and contraction of the means estabished to meet the changing demands upon the system are anticipated and are accommodated in the most cost-effective and efficient way. In the case of the ongoing National Airspace Systems Plan, this role should not be yielded to the Systems Engineering and Integration contractor. The FAA should exercise continuing management control and retain the responsibility that the Plan will be implemented as desired.

Question. Small airports traditionally find it difficult to get funding for basic safety needs. Do you think small airports are as safe as they need to be or do we need improvement in this area?

Answer. It is difficult to address "small airports" as you have termed them as generically safe or unsafe because there are differing norms, and much depends upon local management. As an example, crash-fire-rescue equipment is difficult to fund. Frequently, local authorities manage this by cooperative agreement with other local firefighting or rescue units. In this and other airport operations areas, federal and state aid can be obtained through the filling of a persuasive application. The FAA's grant system gives the highest priority to matters of safety, enabling small airports which have safety deficiencies to compete on a reasonably equal basis with larger airports for grant funds to correct such deficiencies. I have flown from many small airports and am aware of the concern you express, but my experience has shown that the federal and inspection procedure does highlight unsafe issues and items. All is not perfect in the safety of our smaller airports and there is always need for improvement, but I feel that our small airports are being monitored and that any shortcomings will be addressed.

Question. What do you see as the long-term solutions to the FAA's manpower problems, such as those that led to the air traffic controllers' strike in 1981?

Answer. My view is that the long-term solution to any manpower problem is good management. A good human relations program that is working and believed in by the Administrator and by each person throughout the FAA is the first step. Communicating with true understanding, person to person, is a must, and each manager at each level must strive to address a problem or issue as it arises and find a solution. Adequate personnel levels for the tasks to be addressed will permit meeting those tasks, and the FAA must articulate its personnel needs to Congress, but unless the FAA's leadership is good and its management dynamic, manpower problems will not be solved just by the addition of more people.

Question. Do you favor continuation of the Airway Science Education Program? What role should the FAA play in developing and encouraging higher educational standards through an Airway Science Program? Would you say it is better to commit resources to initiate new Airway Science Programs or encourage through

financial grants the cooperative agreements between small colleges and large institutions with established, proven programs? I am aware that the FAA is working with colleges and universities directly. Will this direct relationship continue on a long-term basis?

Answer. I believe that the Airway Science Education Program is a fine idea and one that is important to the future of the FAA. It has received strong emphasis in the past, and this should continue in the future. The FAA managers of the future will come from this program. The FAA should continue to participate in the different aspects of the program through direct liaison and by participating in cooperative student employment programs and ensuring that a sufficient number of graduates enter the FAA upon completion of their education. I would prefer not to comment on the relative merits of initiating new programs or using financial grants to encourage the cooperative agreements between small colleges and large institutions with established, proven programs until I have had a change to examine the issue. I believe in continuing the direct relationship of the FAA with those colleges and universities that are in the Airway Science Education Program. To do this effectively will take a long-term commitment.

QUESTIONS OF SENATOR LAUTENBERG AND THE ANSWERS THERETO

Question Earlier this year, I wrote to Secretary Dole concerning the need to address the needs of new entrants to the aviation industry in the context of aviation safety. This issue arises in terms of the 14.8 million passenger ceiling at National Airport. The manner in which slots are reduced will be most important to new entrants which had few slots to begin with and could be put at a substantial competitive disadvantage by a random lottery. Please explain your views on the passenger ceiling and the manner in which slots for existing carriers will be reduced when the ceiling is reached.

Answer. The passenger ceiling at Washington National Airport, as determined by the Secretary of Transportation, results from an attempt to, among other things, reduce the aircraft noise and congestion associated with the prevailing use of Washington National. and prescribe a role for Washington National and Dulles International Airports which, considering environmental and safety factors, will permit orderly planning by the FAA, the surrounding region, and the aviation industry for the future of these facilities. As such, the ceiling is not a function of an Air Traffic Control problem. There is a need to increase the air traffic level at the more capable Dulles International Airport, and in the long term this will relieve the pressure on Washington National Airport to the point that increased numbers of shorthaul airplanes then can be accommodated. In my role as Member, National Transportation Safety Board, I have not had the opportunity to study the manner in which slots are and be allocated. However, the system must be as fair and equitable as possible, providing to commuters, carriers, and general aviation a reasonable opportunity for access. When reductions are required for existing carriers, then those reductions should be made in as equitable a manner as possible.

Question. The ability of airlines, particularly new carriers like Peoples Express, to add flights in response to market demand, is strongly influenced by the adequacy of the Air Traffic Control system. How will you approach the issue of ensuring an adequate number of well-trained controllers to handle the demand? Will you consider recommending the rehiring of controllers released during the PATCO strike?

Answer. The adequacy of the Air Traffic Control system is key to safety within the national airspace and to the continued free flow of air commerce. The FAA has been rebuilding the Air Traffic Control organization and will reach the desired personnel levels later this year. With the achievement of those levels and the continued seasoning of the newer Air Traffic Controllers, the system should be capable of handling the demand. The status of this return to normal operations should be monitored carefully and be given full visibility so that both those who fly and the general public are aware of it. It is important that public confidence in the system remain high. I would monitor personally, on a daily basis, the status of our Air Traffic Control system from the standpoint of personnel and facilities and equipment to ensure that it is safe and efficient. The President has made his decision with respect to rehiring those controllers who left the system to strike. I support that decision.

Question. Presently the flight controls imposed in the aftermath of the PATCO strike have been lifted in all but a few cases. LaGuardia and JFK airports continue under flight controls. Do you envision extending such controls to other airports such as Newark International any time in the near future?

Answer. The strike-related restrictions on air traffic at selected major airports have been and will continue to be relaxed. The High Density Rule has been in effect at four congested airports since 1969. The FAA recently revised this rule to allow additional capacity at New York's LaGuardia and JFK Airports and at Chicago's O'Hare Airport. The Air Traffic Control system is returning, in a safe, measured manner, to levels of air traffic which will be determined by demand. I do not envision increasing selective restrictive control of air traffic, and I would be very reluctant to do so.

QUESTIONS OF SENATOR EXON AND THE ANSWERS THERETO

Question. You would bring to the FAA an enormous amount of experience in aviation related matters. Given you strong background in this area, what areas do you think most urgently need the attention of the new Administrator and what can you do to improve them?

Answer. The FAA has moved forward with new plans and new ideas during the current Administration. There has been much progress and there is much that remains to be done. The FAA should continue to move with resolve in the direction that has been set. There is a need for firm leadership on a daily basis, while consolidating management initiatives. I would categorize my priorities for attention as being safety and people, then procedures, and then facilities and equipment. The Administrator should not address these serially; he should achieve movement in all areas.

An FAA Human Relations program has been started and there is movement, but to be effective and permit new middle and upper management to develop there is a need to make the program work. The future effectiveness of the FAA and its role in providing service to the public depend on revitalized internal leadership. All new equipment and all new procedures will not become truly effective unless the people who use them are trained and can operate at their potential. This really depends on effective management and, particularly, good leadership at all levels. I see the need to build the FAA leaders of tomorrow, and would press forward in this direction. This will take time.

There is a continuing need to improve aviation safety throughout the United States. There is a need for an increased emphasis on safety not only with respect to the airlines, but in General Aviation as well. The inspector force for airline operations has been increased. Not receiving as much attention, but just as important, has been a diminution of General Aviation inspectors over the past few years. This decrease in surveillance needs to be reversed. I do not have the means in mind yet to do this, but I plan to examine safety-related needs across the aviation spectrum.

The National Airspace Review (NAR) and the National Airspace System Plan (NASP) are key to safety and to the future of air commerce in the United States. They will show the way for the rest of the world. The NAR will show what must be done with respect to management and use. The NASP further defines the steps and procedures that must be taken to provide the hardware and software. These management "tools" require continuous attention to make sure that progress is made as Congress intended. Good management and timely action are key to implementation of the many parts contained within the complex Review and Plan. The Administrator must lead the way.

Question. At the NTSB, you have participated in a detailed study of the nation's Air Traffic Control system. With that experience in mind, how will you work to improve that system? In particular, what will you do to resolve concerns that staffing levels are too low and that there is still too much inexperience?

Answer. The first step is to fill the needed Air Traffic Control positions, and that is being done. The second step is to build experience, and that is being done and will be done in the future. Concern has been expressed by some that the air traffic control job cannot be done by fewer people than were in the system before the controllers' strike. That concern has not been born out by NTSB examination. However, the NTSB has determined that there is still an undue amount of overtime required at some facilities. Upon discussion with FAA personnel it has been learned that planned manning levels should take care of the current need for overtime. The FAA Administrator and the FAA need to examine air traffic controller performance, traffic flow, controller time expended, and all other aspects of working conditions in the air traffic control area. From this examination can come judgement as to adequate staffing levels and an evaluation of the performance of the system. System-wide experience is building and will continue to build as the work force seasons. In order that the safety of the traveling public in maintained, the volume of air traffic

and the performance of the controllers should continue to be monitored now and after the controller work force reaches the desired experience levels.

U.S. SENATE,
Washington, D.C. March 15, 1984.

Hon. NANCY KASSEBAUM,
Chairman, Subcommittee on Aviation, Washington, D.C.

DEAR NANCY: I am writing to express my support for Mr. Donald Engen as the nominee for Administrator of the Federal Aviation Administration (FAA). Mr. Engen is exceptionally well versed in many aspects to aviation and would be a valuable contribution to the FAA.

Since his appointment to the National Transportation Safety Board (NTSB) in June 1982, Mr. Engen has supervised a variety of investigations into airline accidents. He chaired the public hearing on the Air Canada DC-9 fire and is currently coordinating two aviation-related Safety Board projects.

In addition to his tenure on the NTSB, Mr. Engen has served as an aviation consultant and manufacturing executive, and has had a distinguished Naval career. During his 36 years of service in the Navy, Mr. Engen flew more than two hundred models of aircraft, including the Navy's first jets. Among his many decorations are the Navy Cross, the Navy's highest awards for valor, and the Distinguished Flying Cross. Mr. Engen retired from the Navy in 1976 as Deputy Commander-in-Chief of the U.S. Atlantic Command and U.S. Atlantic Fleet.

I highly recommend Mr. Engen to you and urge your careful and timely consideration of his nomination.

Sincerely,

LOWELL WEICKER, Jr.,
U.S. Senator.

AIRCRAFT OWNERS AND PILOTS ASSOCIATION,
Frederick, Md., February 29, 1984.

Hon. NANCY L. KASSEBAUM,
Chairman, Subcommittee on Aviation, Committee on Commerce, Science, and Transportation, Washington, D.C.

DEAR MADAM CHAIRMAN: This letter is to express formally our support for confirmation of the President's nomination of Donald R. Engen to become Administrator of the Federal Aviation Administration.

In this regard it is our understanding that Admiral Engen seeks a Congressional waiver from the statutory requirement that prohibits a regular military officer from serving of as Administrator. We wish to be on the record in support of exempting Mr. Engen from this proviso.

During his tenure, Don Engen will confront two "military versus civilian" issues in which we hope the civilian viewpoint will prevail. First is the question of opening up additional, under-utilized military airfields for joint civil-military use. The second issue is the Defense Department's desire to gain control over large parcels of airspace to add to the vast.

We know to Committee will evaluate these issues and all pertinent ones in its consideration of this nomination. I know you share our desire for expeditious confirmation proceedings.

Sincerely,

JOHN L. BAKER, *President.*

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES,
Washington, D.C., March 8, 1984.

Hon BOB PACKWOOD,
Senate Russell Office Building, Washington, D.C.

DEAR SENATOR PACKWOOD: The American Association of Airport Executives strongly supports the passage of S. 2392, a bill to permit Donald Engen to serve as Administrator of the FAA while preserving his military retirement benefits for the future.

Don Engen's exceptional aviation background and demonstrated administrative skills make him a superbly qualified candidate for FAA Administrator. Mr. Engen's

service to the Country in the military should not preclude a man with such an outstanding background from heading FAA at this critical time.

Sincerely,

CHARLES M. BARCLAY,
Executive Vice President.

ASSOCIATION OF FLIGHT ATTENDANTS—AFL-CIO,
Washington, D.C., March 22, 1984.

Senator NANCY L. KASSEBAUM,
Chairman, Senate Aviation Subcommittee, Washington, D.C.

DEAR SENATOR KASSEBAUM: The Association of Flight Attendants, which represents 21,000 flight attendants at 14 airlines, wishes to express its enthusiastic support for the nomination of Donald Engen to be Administrator of the Federal Aviation Administration.

Member Engen has proven himself to be an outstanding safety advocate during his tensure at the National Transportation Safety Board and we have every reason to believe that he will be an effective and independent Administrator at the FAA.

Sincerely,

LINDA A. PUCHALA, *President.*

[Whereupon, at 11:05 a.m., the committee adjourned, to reconvene upon the call of the Chair.]

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